

## **Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for the

Visalia Disposal Site

SWIS No. 54-AA-0009

July 25, 2014

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Tulare County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Visalia Disposal Site, SWIS No. 54-AA-0009, located in Tulare County, and owned and operated by Tulare County. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings and recommendations.

The proposed permit was initially received on June 30, 2014. A new proposed permit was received on July 2, 2014. Action must be taken on this permit no later than August 31, 2014. If no action is taken by August 31, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2001)	Proposed Permit
Name and Address of Facility	Visalia Disposal Site 33466 Rd. 80 Visalia	Visalia Disposal Site 8614 Avenue 328 Visalia, CA 93291
Permitted Hours of Operation	Mon-Fri 7:00 a.m. – 4:00 p.m. Sat - 8:00 a.m. – 4:00 p.m. Closed New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day	Monday – Friday 6:00 a.m. – 5:00 p.m. Saturday 8:00 a.m. – 4:00 p.m. Closed New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Other Changes include:

- Revisions to the following sections of the SWFP: "Findings," "Prohibitions," documents that describe and/or restrict the operation of the facility, "Self Monitoring" and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying;
- Allow for the receipt of sewage sludge and biosolids; and
- Updates to the Report of Disposal Site (RDSI)/Joint Technical Document (JTD), dated May 2000, with Amendments dated June 2014.

### **Key Issues**

The proposed permit will allow for the following:

1. Change in hours of operation from Monday through Friday, 7:00 a.m. to 4:00 p.m., to Monday through Friday 6:00 a.m. to 5:00 p.m., to accommodate trucks that would have

delivered waste to the Woodville Landfill, which is temporarily closing; Saturdays to remain 8:00 a.m. to 4:00 p.m.;

2. Addition of sewage sludge and biosolids as accepted waste;
3. Addition of biosolids as an alternative daily cover (ADC); and
4. Addition of “other regulatory approved ADCs” to list of ADCs that can be utilized.

### **Background**

Tulare County requested to revise its current permit for the Visalia Disposal Site (SWIS No. 54-AA-0009) for the purposes of increasing the hours the facility can accept waste. Due to economic reasons, Tulare County made the decision to temporarily close the Woodville Disposal Site (SWIS No. 54-AA-0008), which is approximately 30 miles from the Visalia Disposal Site. The increase in hours will help accommodate this shift in waste disposal from Woodville to Visalia.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 26, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 20, 2012. The LEA provided a copy to the Department on March 22, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 2, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 30, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated July 10, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
Plans Consistency with State Minimum Standards	State Minimum Standards as described in their memorandum dated July 24, 2014.	
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities technically adequate as described in their memorandum dated July 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated June 23, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated June 23, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 15, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 30, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 24, 2014. No comments were received by the LEA. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on April 15, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January – June) – No violations noted.
- 2013 - Two violations of 27 CCR Section 20710 – Scavenging/Salvaging/Storing and one violation of 27 CCR Section 20830 – Litter Control were noted.
- 2012 - One violation of 27 CCR Section 21600 – Report of Disposal Site Information and one violation of 27 CCR Section 20710 – Scavenging/Salvaging/Storing were noted.
- 2011 - Two violations of 27 CCR Section 20820 – Drainage & Erosion Control, one violation of 27 CCR Section 20680 – Daily Cover and one violation of 27 CCR Section 20690 – Alternative Daily Cover were noted.
- 2010 – 2009 - No violations were noted.

All violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Tulare County Resources Management Agency, as the Lead Agency, prepared a Notice of Exemption (NOE) on June 6, 2013, in order to allow Visalia Disposal Site to accept 50,000 tons of dewatered sludge (biosolids) immediately, and 10,000 tons per year thereafter. The lead agency determined that, pursuant to PRC Section 21080(b)(1) and 14 CCR Section 15268, this activity falls under a Ministerial Project Exemption. The Ministerial Project Exemption allows for a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Ministerial actions, by definition, are not “projects” because they are not discretionary actions by a public agency. The NOE was filed with the Tulare County Clerk on June 7, 2013.

The Tulare County Resources Management Agency, as the Lead Agency, prepared an NOE on May 8, 2014, in order to allow for the extended hours for receipt of waste Monday through Friday. The lead agency determined that, pursuant to 14 CCR Section 15061(b)(3), the activity falls under the General Rule Exemption. The General Rule Exemption allows for approval of a project if there is not a potential for significant effects on the environment. The NOE was filed with the Tulare County Clerk on June 6, 2014, and also filed with the State Clearing House (No. 201468138) on June 9, 2014.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the existing cited environmental documentation.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities

was adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Notices of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 24, 2014 at the Tulare County Government Plaza – Planning Commission Room, in the City of Visalia. No members of the public were in attendance. No written comments were received by the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 15, 2014. No comments have been received by Department Staff.